

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	CC Docket No. 01-338
Review of the Section 251 Unbundling)	
Obligations of Incumbent Local Exchange)	
Carriers)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions of the Telecommunications Act)	
of 1996)	
Deployment of Wireline Services Offering)	CC Docket No. 98-147
Advanced Telecommunications Capability)	

Motion for Extension of Comment Period Regarding Petitions for Reconsideration

The Association for Local Telecommunications Services (“ALTS”) respectfully requests a 30-day extension of the deadline for filing comments in the above-captioned proceeding, as well as a corresponding 30-day extension of the deadline to file reply comments. Pursuant to this request, comments would be due December 8, 2003, and reply comments would be due January 7, 2004. ALTS believes that a grant of this request is essential to allow parties the opportunity to consider and evaluate thoughtfully the multiple petitions for reconsideration of the *Triennial Review Order*¹ published in the Federal Register on October 22, 2003.

The issues, particularly those raised by the BellSouth Reconsideration Petition, are simply too important to the future of telecom competition. Access to essential, last-mile bottleneck facilities is the cornerstone of facilities-based competition. If adopted, BellSouth’s proposal could cripple facilities-based competition. Adopting a Reconsideration Order without an opportunity for the development of a full record would run counter to the Commission’s duty to the public interest and to promote telecom competition.

Like BellSouth, but albeit for opposite, pro-competition reasons, ALTS takes issue with the loop access conclusions adopted in the *Triennial Review Order*. ALTS, however, acknowledges that the Commission purportedly struck a delicate balance in

¹ *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, Report and Order on Remand and Further Notice of Proposed Rulemaking, CC Docket Nos. 96-98, 98-147 and 01-338 (*Triennial Review Order*) (rel. August 21, 2003).

crafting a rule that allows for some deregulation for new fiber deployment, while preserving competitive access so that consumers and small businesses would continue to have a competitive choice. The Commission spent more than a year building and digesting the record needed to craft the fiber-to-the-home rule adopted in the *Triennial Review Order*. The record reveals that, in adopting the current Order with the current fiber-to-the-home rule, the Commission reviewed more than 70 sets of comments, more than 70 sets of reply comments, and amassed more than 3000 *ex parte* communications. In crafting the fiber-to-the-home rule, the Commission also reviewed studies on the economics and business case supporting fiber deployment and determined that its rule would strike the proper balance. While ALTS disagrees with the conclusions and rule, the Commission should not further curtail competitor access to loops without first having established a thorough record backed by detailed studies evaluating the consequences of further deregulation.

BellSouth treats its proposal as little more than a minor clarification and extension of the existing rules just adopted in the *Triennial Review Order*. Make no mistake, BellSouth has asked for radical, disruptive changes to the fiber-to-the-home and loop access rules. Without a complete record on the disturbing, complex issues raised in the Reconsideration Petitions, the Commission certainly should not undo the purportedly delicate balance it forged in attempting to ensure competitive access to essential, last-mile, bottleneck facilities while simultaneously giving the Bell Companies more than enough incentive to deploy new fiber facilities.

Adopting BellSouth's proposal could derail the nascent facilities-based competitive telecommunications industry. The Commission should not derail competition under any circumstances, but it certainly should not do so without an adequate record and sufficient justification. An extension of time to file comments and reply comments will likely result in a more complete public record, and will cause no prejudice to any party. Therefore, ALTS urges the Commission to grant this request.

Respectfully submitted,

A handwritten signature in dark ink, reading "John Windhausen, Jr." in a cursive script.

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October 22, 2003

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